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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Michael Hahs et al. Confirmation No.: 8832
Appln. No. : 09/737,399 Art Unit : 1743
Filed : December 15, 2000 Examiner : D.K. Handy
Title : CASSETTE AND DELIVERY SYSTEM

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RESPONSE

Presently claims 1 to 8 are pending in the application. Claims 1 to 6 stand rejected under 35 U.S.C. §103(a) over the U.S. Patent No. 5,882,611 to Williams et al. and U.S. Patent No. 4,550,834 to Fletcher et al. Claims 7 and 8 stand rejected under 35 U.S.C. §103(a) over Williams et al., Fletcher et al. and U.S. Patent No. 5,869,341 to Woodaman. Applicants respectfully traverse the rejections and request reconsideration and reexamination of the application.

The Examiner has failed to establish a prima facie case of obviousness in rejecting claims 1 to 6 under 35 U.S.C. §103(a) over Williams et al. and Fletcher et al. There is no suggestion for making the alleged combination and even if made it would not reach the claimed inventions.

Fletcher et al. disclose a folding box design primarily for top removal but having folding dust flaps 46 which attach to an end wall for structural rigidity. The Examiner opines that Williams et al. would desire such a structure for rigidity. Why? Why would Williams at all be concerned with rigidity of a sleeve closely fitting to a hard shell cassette? Rigidity is of no concern here. The Examiner has merely dabbled in hindsight reconstruction

Even if the alleged combination were made it would fail to reach the claimed invention. For instance, claim 2 defines a retaining member with the tabs being thereon. Such is not taught by either Williams et al. or Fletcher et al.

The Examiner has failed to establish a prima facie case of obviousness in rejecting claims 7 and 8 under 35 U.S.C. §103(a) over Williams et al., Fletcher et al and Woodaman for the same reasons as put forward with respect to claims 1 to 6. Most importantly, there is no credible suggesting for combining Fletcher et al. with Williams et al.

Applicants respectfully submit that the application is presently in condition for allowance. Favorable reconsideration and early notice of allowance are earnestly solicited. If it would speed prosecution, the Examiner is encouraged to contact the undersigned attorney by telephone.

Respectfully submitted,

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